

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

IN THE DRAWINGS:

Applicants have provided an annotated sheet setting forth proposed amendments to Figure 1 as noted in red thereon. Specifically, Figure 1 has been amended to include reference characters --L-- and --M-- as referred to on page 7 of the specification. Approval of the proposed changes is requested.

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

REMARKS

The Office Action mailed October 5, 2005, has been carefully reviewed and, by this Amendment, Applicants have canceled claims 1-9 and added claims 10-29. Claims 10-29 are pending in the application. Claims 10 and 20 are independent.

As an initial matter, Applicants have provided an annotated sheet setting forth proposed amendments to Figure 1 in order to show all of the reference characters identified in the specification. Approval thereof is requested.

The Examiner rejected claim 1 under 35 U.S.C. 112, second paragraph, as being indefinite. By this Amendment, Applicants have canceled claims 1-9 and presented new claims 10-29 which are in conformity with 35 U.S.C. 112, second paragraph. Favorable consideration and withdrawal of the rejection is requested.

The Examiner rejected claims 1, 3, 4 and 8 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 973,296 to Peddle, and rejected claims 1 and 3-7 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,084,433 to Kimmel. Under 35 U.S.C. 103(a), the Examiner rejected claim 2 as being unpatentable over Kimmel in view of U.S. Patent No. 2,619,965 to Goldstone, and rejected claim 9 as being unpatentable over Kimmel in view of U.S. Patent No. 1,956,587 to Parker.

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

With the cancellation of claims 1-9, the rejections are technically moot. However, in regard to new claims 10-29, Applicants provide the following remarks.

As set forth in new claim 10, the present invention is directed to a pair of scissors having two elements rotationally movably assembled in a hinge, the orientation of the elements being substantially in a plane that is essentially perpendicular to the axis of the hinge and the movement relative to each other from a closed position to an open position taking place substantially in the plane. Each of the elements has a blade and an arm, the blades and arms having distal ends and hinge ends defined by the hinge. When in a position of use, the blades include an upper blade and a lower blade, each of which has a cutting edge and a back edge. Both blades are curved out of the plane such that the cutting edges are curved sideways relative to the arms. The upper blade has a *straight back edge* with a distal end thereof having a *nose part that extends in line therewith* so as to *protrude a first distance from the distal end of the cutting edge of the upper blade*. The lower surface of the nose part, which is *generally parallel with the straight back edge*, is spaced a second distance from, and in a *direction generally perpendicular to, the cutting edge of the lower*

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

blade when the scissors are in their closed position. This is not shown or suggested by the prior art.

New independent claim 20 is also patentable over the cited art. As set forth therein, the present invention is directed to a pair of scissors having two elements rotationally movably assembled in a hinge, the orientation of the elements being substantially in a plane that is essentially perpendicular to the axis of the hinge and the movement relative to each other from a closed position to an open position taking place substantially in the plane. Each of the elements has a blade and an arm, the blades and arms having distal ends and hinge ends defined by the hinge. When in a position of use, the blades include an upper blade and a lower blade, each of which has a cutting edge and a back edge. Both blades are curved out of the plane such that the cutting edges are curved sideways relative to the arms. *The upper blade has a straight back edge and is shorter than the lower blade. A distal end of the straight back edge has a nose part that extends in line therewith so as to protrude a first distance from the distal end of the cutting edge of the upper blade.* The length of the lower blade is also greater than the nose part of the upper blade in a closed position of the scissors. This is not shown or suggested by the prior art.

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

Peddle discloses a pair of scissors having a handle portion, an upper blade and a lower blade. The distal end of the upper blade curves upward, away from the lower blade, but in the same plane therewith. Hence, the blades are *not curved sideways* out of the plane of the handle portion as provided in claims 10 and 20. Further, the back edge of the upper blade in Peddle is not straight, but is curved upwardly. Accordingly, Peddle does not and cannot include a nose part that extends from and *in line with the straight* back edge to protrude a first distance from the distal end of the cutting edge of the upper blade, as provided in claims 10 and 20. For at least the foregoing reasons, claims 10 and 20 are patentable over Peddle.

Kimmel discloses a pair of bandage scissors having a handle portion and upper and lower blades that are oriented at an angle to the handle portion, but in the same plane therewith. Hence, like Peddle, the blades of Kimmel are *not curved sideways* out of the plane of the handle portion as provided in claims 10 and 20.

The upper blade of Kimmel is longer than the lower blade, *in contrast to the structure set forth in claim 20*, and is provided with a rounded forward tip 14. Further, the lower surface of the tip 14 (or nose part) of Kimmel is forward or ahead of the cutting

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

surfaces of the blades, i.e., the tip is *not spaced* at a distance from, and *in a direction generally perpendicular to*, the cutting edge of the lower blade, as set forth in claim 10.

Finally, both the forwardly extending tip of Kimmel and the upwardly and forwardly extending nose part of Peddle are extensions of the upper blade in the general direction of the blades and do not stand above, or generally perpendicular to the general direction of, the cutting edge. These prior art blade designs are unsuitable for cutting narrow curves. Particularly, when cutting thick and soft material, such as an adhesive wafer, the nose part of either Peddle or Kimmel, because it does not stand a distance above the cutting edge of the lower blade in a closed position of the scissors, may squeeze the soft material ahead of the cutting edge. In addition, neither of these designs includes blades that curve sideways in the manner claimed.

For at least the foregoing reasons, claims 10 and 20 are respectively patentable over Kimmel as well as Peddle. Favorable consideration is requested.

Claims 11-19 and 21-29 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein. Particularly, the prior art does not teach or suggest that the distal edge of the upper blade below

Serial No.: 10/518,707
Atty. Docket No.: P70301US0

the nose part is substantially perpendicular to the back edge of the upper blade as set forth in claims 11 and 22. Nor does the prior art show a lower blade tapered toward its distal end which is provided with a rounded bulb as provided in claims 14 and 24, or that the bulb is joined with the main tapered part at a point that is generally aligned with the base of the nose part as set forth in claims 15 and 25. Favorable consideration and allowance of the dependent claims is therefore requested.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By *Harvey B. Jacobson, Jr.* Reg. No. 40,495 *for*
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: February 3, 2006
HBJ:SCB
R:\SBAILEY\02-06\P70301US.amd